

COUNTY OF YORK

MEMORANDUM

DATE: September 20, 2004 (BOS Mtg. 10/26/04)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. UP-645-04, Rodney and Crystal Boyd

ISSUE

Application No. UP-645-04 requests a Special Use Permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize a beauty salon as a home occupation within a single-family detached dwelling located at 406 Grafton District Road (Route 1209) and further identified as Assessor's Parcel No. 24J-08-F-38.

DESCRIPTION

- Property Owner: Rodney and Crystal Boyd
- Location: 406 Grafton District Road (Route 1209)
- Area: 0.47 acre
- Frontage: 175 feet along Grafton District Road and 75 feet along Cockletown Road (Route 1204)
- Utilities: Public water and sewer
- Topography: Flat
- 2015 Land Use Map Designation: Medium-density residential
- Zoning Classification: R20 – Medium density single-family residential
- Existing Development: Single-family detached home
- Surrounding Development:
 - North: Three single-family detached homes
 - East: Two single-family detached homes
 - South: Single-family detached home across Grafton District Road
 - West: Single-family detached home across Grafton District Road and the Edgehill Subdivision Homeowner's Association clubhouse.
- Proposed Development: Beauty salon as a home occupation

CONSIDERATIONS/CONCLUSIONS

1. The applicants live in the Edgehill subdivision and wish to operate a beauty salon in their home. Section 24.1-283 of the Zoning Ordinance requires a Special Use Permit for any home occupations with on-premises retail sales, personal services, or customer/client contact, specifically including barber and beauty shops.
2. Section 24.1-281 of the Zoning Ordinance specifies a series of performance standards that apply to home occupations in general, and Section 24.1-283(b) sets forth additional standards that apply specifically to those home occupations for which a use permit is required. The purpose of these standards is to limit the size, scale, and visibility of home occupations in order to ensure that they remain incidental and subordinate to the residential use of the property and to prevent adverse impacts on surrounding homes. Pursuant to these standards, home occupations are not permitted to occupy more than 25% of the floor area of the residence or 400 square feet, whichever is less. The applicant's home has 2,739 square feet of floor area, and she has indicated that the beauty salon will be limited to one 215-square foot room (7.8% of the floor area of the home). The Zoning Ordinance also limits the hours of operation to the period between 8:00 AM and 8:00 PM, Monday through Saturday, unless otherwise specified by the Board through a use permit condition. The applicant's proposed hours of operation will be limited to three days a week, between the hours of 9:00 AM and 8:00 PM.
3. The applicant will be the sole operator of the business, performing hair services for customers. Only one by appointment customer is proposed be seen at any one time by the applicant. However, there might be situations where another client arrives prior to the departure of the client being served. For this reason, a condition has been included in the approving resolution specifying that only one customer may be served at one time.
4. The subject property can accommodate both the residential parking requirement (two spaces) and the off-street parking demand generated by the proposed beauty salon (2 spaces). The home has a two-car garage and a driveway measuring approximately 15 feet in width and 46 feet in length with additional parking in front of the detached garage 50' X 25'. Since the minimum parking space dimensions in York County are 9 feet by 18 feet, the parking areas can accommodate approximately four cars.
5. In the past twelve years, the Board of Supervisors has approved thirteen applications for home barber, beauty shops, and nail salons. For comparison purposes, relevant data for these thirteen home occupations are listed in the table below. As the table indicates, the applicant's proposed home occupation would be more limited in hours of operation and size than these approved home occupations.

Approval Date	Location	Maximum Area	Days and Hours of Operation
02/21/91	Lotz Acres Estates	125 square ft.	Mon.-Sat., 8 AM-8 PM
10/17/91	Hudgins Farm Drive	240 square ft.	Mon.-Sat., 8 AM-8 PM
04/16/92	Hornsbyville Road	240 square ft.	Mon.-Sat., 8 AM-8 PM

10/15/92	Running Man	150 square ft.	Mon.-Sat., 8 AM-8 PM
05/20/93	Edgehill	260 square ft.	Mon.-Fri., 9 AM-5 PM
08/16/95	Carraway Terrace	200 square ft.	Tues.-Thur., 9 AM-6 PM
11/21/00	Woods of Tabb	150 square ft.	3 days/week 9 AM-5 PM
02/19/02	Edgehill	250 square ft.	Tues.& Thurs., 10 AM-7 PM; Wed.& Fri., 10 AM-4 PM; & Sat. 10 AM-2 PM
02/19/02	Carver Gardens	200 square ft.	Mon.-Sat., 8 AM-8 PM
07/16/02	Skimino Hills	200 square ft.	Mon.-Sat., 9 AM-5 PM
12/03/03	Meadowlake Farms	335 square ft.	Tues.-Sat., 9 AM-5 PM
2/11/04	East Rochambeau Drive	132 square ft.	Mon.-Fri., 5:30 PM-8 PM & Sat., 10 AM-3 PM
7/13/04	Woodlake Crossing	63 square ft.	Tues. & Thurs., 9 AM-5PM

According to staff in the County's Zoning and Code Enforcement Division, there have been no complaints or compliance problems associated with any of these home beauty/barber shops.

6. The applicant, Mr. Rodney Boyd, has two business licenses to operate home occupations for office use only at this property – one for a mobile auto repair use and one for a contract landscaper. Several months ago, the applicant was cited for violations associated with these uses – unauthorized vehicles and equipment, on-site repair, etc. – however, the violations have since been corrected (see “Before” and “Current” pictures, attached).
7. Section 24.1-281(e) of the Zoning Ordinance states that home occupations “shall not generate traffic, parking, sewerage or water use in excess of that which is normal in the residential neighborhood.” By their nature home beauty shops typically involve more water use than an ordinary home. However, since this property is served by public water and sewer, staff feels that the impact of additional water use is not of concern.
8. Property within the Edgehill subdivision is subject to covenants; however, the development does not have an established homeowners' association. The covenants include declarations relevant to land use, which, depending on interpretation, may or may not impact the applicant's ability to establish a beauty salon as a home occupation on the subject property. However, as noted above, two other home beauty shops have been approved in Edgehill and to the best of staff's knowledge, no covenant enforcement action has been initiated. Nevertheless, regardless of the language of the covenants, the County must evaluate the beauty salon use within the context of the Zoning Ordinance and its standards. The County cannot be a party to the enforcement of private covenants and restrictions. The approval of a Special Use Permit will not relieve the applicant of any responsibilities for compliance with such covenants or restrictions.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its regular meeting on September 8, 2004 and, subsequent to conducting a public hearing at which no one spoke, voted 5:1 (Davis against, Harvell absent) to recommend approval.

COUNTY ADMINISTRATOR RECOMMENDATION

I am of the opinion that the proposed home occupation is a small-scale operation and is not likely to have any adverse impacts on the surrounding area. I am confident that the proposed conditions prohibiting non-resident employees and limiting the hours of operation are sufficient to ensure that it remains a small-scale operation, consistent with the intent of the home occupation provisions of the Zoning Ordinance. Therefore, I recommend that the Board of Supervisors approve this application. This may be accomplished through the adoption of proposed Resolution No. R04-146.

Carter/3337: EWA

Attachments

- Excerpts from Planning Commission minutes, September 8, 2004
- Current pictures of property
- Zoning Map
- Sketch Plan
- Applicant narrative
- Proposed Resolution No. R04-146

“CURRENT”

Photographs Taken from Grafton District Road in September 2004

